



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 29, 2020

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. David Adams, 10 Cr. 82 (RJS)*

Dear Judge Sullivan:

The Government respectfully submits this letter in response to the Court's June 10, 2020 Order directing the Bureau of Prisons (the "BOP") to "arrange for Defendant to be examined by a cardiologist not later than July 1, 2020" in connection with the Court's consideration of David Adams's (the "defendant's") motion for compassionate release. *See Order, June 10, 2020, Dkt. No. 198 (the "Order").* As set forth below, the Government has learned that the BOP arranged for the defendant to receive a cardiology examination, which took place earlier today at an external clinic. In addition, the Government writes to provide corrected information received from the BOP regarding the BOP's prior inability to have the defendant examined by a cardiologist. Consistent with the Court's Order, the Government respectfully submits that in light of the defendant's cardiac examination today, no BOP witnesses need appear to testify at the upcoming July 2, 2020 teleconference.

As explained in the Government's June 22, 2020 letter to the Court, the Government furnished the Court's June 10, 2020 Order to BOP officials at FCI Terminal Island and has engaged with a BOP supervisory attorney regarding the Order. On June 29, 2020, the BOP informed the Government that the defendant was examined by a cardiologist at an external clinic earlier that day. The Government will forward the report of that examination to defense counsel as soon as the undersigned receives the completed report, as contemplated by the Court's Order.

Finally, the Government notes that certain information contained in its June 22, 2020 letter regarding BOP's inability to conduct cardiologist examinations at FCI Terminal Island was incorrect. In particular, whereas BOP had previously informed the Government (and the Government in turn informed the Court) that the BOP's contracted cardiologist (the "Cardiologist") could not resume consultations at FCI Terminal Island until he had submitted certain paperwork to the California Medical Review Board, BOP has since informed the Government that the Cardiologist cannot begin working at the facility until after he has submitted certain paperwork to

the BOP in order to complete the BOP's annual credentialing process, and until after BOP prepares the facility to safely resume external consultations. As discussed above, however, in light of these limitations on conducting on-site cardiologist evaluations within FCI Terminal Island, BOP transported the defendant to an external clinic today for a cardiac evaluation.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: _____/s/
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Cc: Sylvie Levine, Esq. (by ECF)

In light of the fact that Defendant has now been examined by a cardiologist in conformity with the Court's June 10, 2020 Order (Doc. No. 198), IT IS HEREBY ORDERED THAT the conference scheduled for July 2, 2020 is canceled. IT IS FURTHER ORDERED THAT the Bureau of Prisons shall provide copies of the cardiologist's report to the parties and the Court no later than July 7, 2020. The Clerk of the Court is respectfully directed to terminate the motion pending at document number 199.

SO ORDERED.

Dated: June 30, 2020
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation